

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EVART ENTERPRISES, INC.,

Plaintiff,

07 CV 5441 (DLC) (DLE)

- against -

GENTLEMEN'S VIDEO, INC., et al.,

: STIPULATION

Defendants & Third-Party Plaintiffs, :

- against -

ED DePRIEST d/b/a ED DePRIEST PRODUCTIONS,

Third-Party Defendant. :

Plaintiff and defendants having exchanged mandatory disclosures herein pursuant to F.R.Civ.P. 26, and plaintiff and defendants having timely and reciprocally noticed depositions and document production of and by each other, and plaintiff having noticed the deposition of a non-party witness :

And defendants having timely commenced a third-party action against a defendant residing outside of this State and having transmitted copies of the Third-Party Summons and Third-Party Complaint (together with the Amended Complaint) to the third-party party and having requested that the third-party defendant voluntarily appear in this action pursuant to F.R.Civ.P. 4(c), and the third-party defendant having failed to do so:

And defendants having thereafter transmitted copies of the Third-Party Summons and Third-Party Complaint (together with the Amended Complaint) to their process server, for service upon third-party defendant, and defendants' process server having

failed despite repeated attempts, to effect personal service upon the third-party defendant, and defendants having reported to the Court that they have requested and believe in good faith that substituted service upon the third-party defendant pursuant to RULE 308(4), as permitted by F.R.Civ.P. 4(c), is imminent.

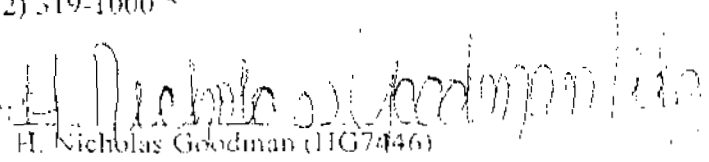
And good cause therefore having been shown:

IT IS HEREBY STIPULATED AND AGREED that the Scheduling Order previously entered herein be amended as follows:

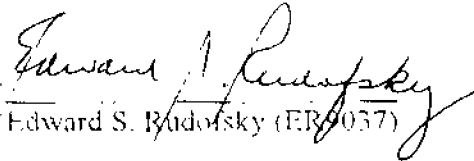
- 1 The outside date for the completion of fact discovery be extended to and including May 11, 2008;
- 2 The outside date applying to the Court for expert disclosure be extended to and including May 14, 2008;
- 3 The outside date for serving and filing dispositive motions be extended to June 14, 2008;
- 4 The date for filing a joint pre-trial order in conformity with the trial Judge's individual rules be extended to June 21, 2008;
- 5 The date for requesting the within extensions of time be extended to the date hereof.

Dated: New York, New York  
March 12, 2008

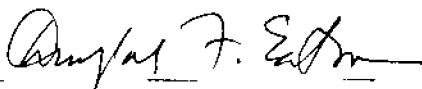
**QUIRK and BALAKOR, P.C.**  
*Attorneys for Plaintiff*  
845 Third Avenue  
New York, New York 10022  
(212) 319-1000 ~

By:   
H. Nicholas Goodman (JG7446)

ZANE and RUDOLFSKY  
*Attorneys for Defendants*  
601 West 26<sup>th</sup> Street  
New York, New York 10001  
(212) 242-2222

By:   
/ Edward S. Rudofsky (ER0037)

SO ORDERED:

  
\_\_\_\_\_  
U.S.M.J.

Dated            New York, New York  
                  March 13, 2008